

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed October 28, 2009 (“Office Action”). Claims 1-22 are pending in the Application and stand rejected. Claims 1 and 5-8 have been amended without adding new subject matter.¹ Claim 4 has been canceled without prejudice or disclaimer. Claim 23 is new. Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections – 35 U.S.C. § 102

Claims 8-11, 17, and 19-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,119,110 to Carapelli (“*Carapelli*”). Applicants respectfully traverse this rejection, because *Carapelli* fails to teach or suggest each and every feature of, for example, amended claim 8, as required by the M.P.E.P. and U.S. patent laws. *See* M.P.E.P. § 2131. In particular, anticipation *requires* that “[t]he identical invention ... be shown in as complete detail as is contained in the ... claim.” *Id.* (quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). *Carapelli* fails to meet this burden.

As one example of the deficiencies of this reference, *Carapelli* fails to teach or suggest at least the step of “identifying, by the handling application through one or more dynamic libraries associated with the handling application, one or more remote electronic instruments in a network of a plurality of electronic instruments including the instrument through corresponding certification codes uniquely associated with each of the one or more remote electronic instruments,” as recited in amended claim 8. Indeed, to the extent *Carapelli* even suggests a network of a plurality of electronic instruments including the instrument and one or more remote electronic instruments, this reference merely teaches that a “host” at a service station can connect to an electronic head of a fuel dispenser “to verify from a remote position the proper functioning of the system and/or to send information or control data, for example to enable the electronic head replacement.” *Carapelli* at 4:34-36. But this disclosure in *Carapelli* fails to suggest that either the so-called “host” or fuel dispenser including the electronic head (1) identifies, through a

¹ Applicants respectfully submit that support for the amendments to the claims may be found at, for example, sections [0028] and [0050]-[0057] and Fig. 2 of the Application as published. *See* U.S. Patent Application Publication No. 2006/0266245 (“Application”).

dynamic library, any remote instruments via corresponding certification codes uniquely associated with each of the one or more remote electronic instruments; or (2) at a basic level, a network of electronic instruments.

Accordingly, Applicants respectfully submit that amended claim 1 is allowable over *Carapelli*. Applicants respectfully request reconsideration and allowance of amended claim 8 and all claims depending therefrom over the pending § 102 reference.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3-7, 12-16, and 18 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,442,448 to Finley *et al.* (“*Finley*”) in view of *Carapelli*. Applicants respectfully traverse this rejection, because the *Finley-Carapelli* combination fails to teach or suggest each and every element of, or indeed render obvious, at least amended claim 1.

For example, amended claim 1 requires the feature of “at least one dynamic library associated with the handling application, the handling application operable to identify, through the dynamic library, one or more remote electronic instruments in a network of electronic instruments including the instrument through corresponding certification codes uniquely associated with each of the one or more remote electronic instruments.” The Office Action alleges that *Finley* teaches the claimed handling application. *See* Office Action at 6 (citing *Finley* at 6:59-67 and 8:1-25). But the relied upon portions of *Finley*, indeed the recitation of functionality of *Finley*’s Site Manager (SM) 300 software architecture in column 8, fail to teach or suggest that the SM 300 can “identify, through the dynamic library, one or more remote electronic instruments in a network of electronic instruments including the instrument through corresponding certification codes uniquely associated with each of the one or more remote electronic instruments.” *See Finley* at 8:1-25.

For at least the foregoing reasons, Applicants respectfully submit that *Finley* fails to teach or suggest at least this feature of amended claim 1, and as noted above, *Carapelli* fails to accounts for this deficiency. Accordingly, Applicants respectfully request reconsideration and

allowance of amended claim 1 and all claims depending therefrom over *Finley-Carapelli* combination.²

New Claim 23 is Patentable Over the References of Record

Applicants have added new claim 23, which includes the feature of “the certification code is associated with a stamp comprising an issuing date of said stamp, a reference code of the metrological measurement instrument, and a barcode corresponding to said code,” as originally recited in claim 2. The Office Action alleges that U.S. Patent No. 6,904,592 to Johnson (“*Johnson*”) teaches this feature. *See* Office Action at 9. But the relied-upon portions of *Johnson* merely teach that a portable computing device “records all the current hardware and software at the fueling site 100 along with identifying information (block 374) such as the physical street address, the client number, or the like” *Johnson* at 8:62-65 (emphasis added). Applicants respectfully submit that this disclosure of *Johnson*, which only generally references hardware and software and particular types of identifying information, fails to teach or suggest a stamp including: (1) an issuing date of said stamp; (2) a reference code of any hardware or software, to say nothing of a metrological measurement instrument; and (3) a barcode corresponding to said code. Accordingly, Applicants respectfully submit that new claim 23 is patentable over the references of record and request allowance of new claim 23.

Request for Interview

If the present Application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

² Claim 2 stands rejected under § 103 as unpatentable over *Finley* in view of *Carapelli* in further view of *Johnson*. Applicants respectfully submit that claim 2 is allowable at least for the reasons provided above with respect to amended claim 1. In addition, Applicants respectfully submit that claim 2 is allowable for additional reasons, such as those described with respect to new claim 23. Accordingly, Applicants respectfully request reconsideration and allowance of claim 2 over the pending § 103 rejection.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants respectfully request consideration of all filed IDSs not previously considered, by initialing and returning each Form PTO-1449.

The required fees for the excess independent claim and Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization to Deposit Account No. 06-1050. Please apply all other charges or any credits to Deposit Account No. 06-1050.

Respectfully submitted,

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